

Exhibit B

**PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY
AND FOR LEAVE TO CONDUCT JURISDICTIONAL
DISCOVERY, AND, IF NECESSARY TO AMEND THEIR
COMPLAINTS WITH ANY FACTS ARISING FROM SUCH**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

JOINT REPORT IN RESPONSE TO THE COURT’S MAY 16, 2023 ORDER [ECF 88]

Plaintiffs, Edwin Garrison, et al. (“Plaintiffs”), and Kevin Paffrath, et al. (“Defendants”) (Defendants together with Plaintiffs, the “Parties”), submit this Joint Report, in accordance with the Court’s May 16, 2023 Order. ECF No. 88. All of the Parties have been very cooperative and met via phone and Zoom teleconference, but respectfully submit different suggestions for how the Court should conduct discovery on issues of service and jurisdiction. In accordance with the Court’s Order, the Parties respectfully state as follows:

I. PLAINTIFFS’ REPORT ON DISCOVERY

Plaintiffs and their Counsel have been litigating crypto class actions before this Court¹ for over a year and have learned a great deal during the discovery process. Plaintiffs and their Counsel have fully briefed, and received many Orders, on issues including jurisdictional discovery. Plaintiffs’ Counsel have also been litigating similar class actions against Defendants Mark Cuban and his Dallas Mavericks, for their role in promoting *Voyager’s* unregistered securities offerings,² where plaintiffs have completed most of the necessary discovery and depositions.

¹ *Mark Cassidy v. Voyager Digital Ltd., et al.*, Case No. 21-cv-24441 (the “Cassidy Action”)

² *Robertson, et al. v. Mark Cuban, et al.*, Case No. 22-CV-22538 (the “Voyager Brand

Plaintiffs want to streamline and narrow discovery so that the Parties can focus on two main questions: (1) Did FTX offer and sell “unregistered securities” (including through offering and selling the FTX interest accounts and FTT tokens), and (2) did these specific Defendants “promote” the sale of the unregistered securities, leading to joint and several liability against FTX under the Florida (and/or other applicable state) securities statute(s).

In the Court’s Case Management Order [D.E. 62], the Court already stated it was not (at this stage) bifurcating discovery. In the related *Voyager* cases, this Court (in the *Cassidy* Action) and Magistrate Judge Reid and Judge Altman (in the *Voyager Brand Ambassadors* Action) also found that there was no clear line between merits and class discovery under these facts and declined to bifurcate discovery. After these rulings in the *Voyager Brand Ambassadors* Action, counsel for Mr. Cuban even agreed that we take only one deposition (7 hours), so we only took one complete deposition that covered all areas (jurisdiction and merits). The Court has set a discovery deadline here of July 3rd [D.E. 62], for Plaintiffs to complete discovery related to the impending class certification.

Service of the Complaint: Issues regarding whether the Defendants were properly served is easier, because Plaintiffs provided 8 of the 10 Defendants (other than Armstrong and Creators Agency LLC) via email on March 31, 2023, with a copy of the Complaint and Notice of Commencement of Action and Request for Waiver of Service forms. *See Composite Exhibit A.* Many of the Defendants declined to return the Waiver forms, so they were served with formal process. Although a few Defendants contend that they were improperly served, each defendant has now appeared through counsel, who should be authorized (either by their client or by the Court) to accept service of process on their behalf, to the extent there are any perceived issues with how process was served. The current service as it stands was certainly sufficient to provide all Defendants with notice to the extent that they have now appeared in this Action. In any event, Plaintiffs certainly would not object to the Court granting Defendants—as requested—an extension of time for their responses to the Complaint as if their counsel now executed the waiver (as the deadline for responses under the waivers that were sent on March 31, 2023, would be May 30, 2023).

To the extent that any of these Defendants refuse to authorize their counsel to accept service on their behalf, Plaintiffs respectfully submit that the Court can enter an order authorizing Plaintiffs

Ambassadors Action”)

to serve any Defendant with process through email to their counsel in this Action, particularly in the case of Defendant Kullberg, whose whereabouts are unknown but may be currently outside of the United States,³ since the Court ordered all Defendants be served before June 13, 2023. *See, e.g.*, ECF Nos. 3, 61, 65.

Jurisdictional Discovery: Judge K. Michael Moore recently granted Plaintiffs leave to file an Amended Complaint in the related matter, *Garrison v. Bankman-Fried*, No. 1:22-cv-23753-KMM, ECF No. 205. We know now that it was FTX’s Miami office, and its Miami-based Vice President of Business Development, Mr. Avinash Dabir, who was personally involved with originating, organizing and directing most of the FTX celebrity and promotional activities. Now that the Parties conducted their Rule 26 Meeting, Plaintiffs already served Defendants on May 17, 2023, with 7 very narrow requests for production (seeking documents about their own FTX promotions) and notices for one brief Zoom deposition of each Defendant. *See Composite Exhibit B*.

Plaintiffs do not want to create any unreasonable burdens for any party. In all of our prior cases, none of the Defendants have sustained their burden to show any “undue burden” in responding to this discovery, and Plaintiffs have effectively completed all of that discovery efficiently and expeditiously. These 7 narrow requests are very specific and Plaintiffs are glad for defendants to produce their materials, as they are kept in the ordinary course of business. Plaintiffs are also open to work out any specific cases, where for some reason, the production of the responsive materials may be “unduly burdensome.” Moreover, Plaintiffs agree to take only one deposition via Zoom (so no travel is necessary), and Defendants can select their own location), on any date (at least 10 days after the materials are produced, but well before July 3rd).

³ Various recent sources state that Kullberg may be located in the “United States” or in Japan, and her husband, Eric Kullberg, lists Dubai as his location on his LinkedIn profile. *See* <https://www.linkedin.com/in/erika2/> (Erika Kullberg LinkedIn); https://ae.linkedin.com/in/eric-kullberg-315b633a?trk=public_post_feed-actor-name (Eric Kullberg LinkedIn); https://il.linkedin.com/posts/eric-kullberg-315b633a_erikataughtme-activity-6988093145766887425-Vacy (“I am unbelievably proud of my wife, [Erika Kullberg](#), who has travelled the world over the past four months to interview industry experts, entrepreneurs, leaders, authors and creators as part of her latest project — the ‘Erika Taught Me’ podcast.”).

2. DEFENDANT'S REPORT ON DISCOVERY

Defendants Creators Agency LLC, Erika Kullberg, Brian Jung, Tom Nash, Jaspreet Singh, Ben Armstrong, Jeremy Lefebvre, Andrei Jikh, Graham Stephan, and Kevin Paffrath intend to challenge personal jurisdiction over them. Additionally, Defendants Jeremy Lefebvre, Andrei Jikh, Erika Kullberg, and Kevin Paffrath do not believe that they have been properly served. As required by the Court's amended order of May 16, 2023, ECF No. 88, Plaintiffs and Defendants have conferred. Below, Defendants set forth their positions and address the Court's directives.

Defendants summarize their position as follows: Defendants do not believe that Plaintiffs are entitled to any jurisdictional discovery for the reasons set forth below. If, however, the Court permits limited jurisdictional discovery, then the Court should adopt a discovery and briefing schedule similar to the one it issued in *Cassidy v. Voyager Digital Ltd.* See Order, *Cassidy v. Voyager Digital Ltd.*, No. 21-cv-24441-CMA, at 6–7 (S.D. Fla. Mar. 3, 2022), ECF No. 36 (the “*Voyager Digital* Order”). Regardless of whether the Court permits limited jurisdictional discovery, the Court—as it also ruled in the *Voyager Digital* Order—should set aside or stay all other deadlines in its Scheduling Order. ECF No. 62. Only if any of Defendants are not dismissed because of lack of personal jurisdiction or improper service should the case then proceed on the merits.

Personal Jurisdiction

At the outset, based on the allegations in the Complaint, Plaintiffs are not entitled to any jurisdictional discovery. It is well established that courts have wide latitude in denying jurisdictional discovery where a plaintiff has failed to make a prima facie case for jurisdiction. See, e.g., *Frontera Res. Azerbaijan Corp. v. State Oil Co. of the Azerbaijan Rep.*, 582 F.3d 393, 401 (2d Cir. 2009) (“A district court has wide latitude to determine the scope of discovery, and is typically within its discretion to deny jurisdictional discovery when the plaintiff has not made out a prima facie case for jurisdiction.” (alteration omitted) (citation omitted) (internal quotation marks omitted)); *Negrón–Torres v. Verizon Commc’ns, Inc.*, 478 F.3d 19, 27 (1st Cir. 2007) (“[B]ecause Negrón has failed to make a colorable claim for personal jurisdiction, we have no reason to overturn the district court’s denial of her request for jurisdictional discovery.”); *Vision Media TV Grp., LLC v. Forte*, 724 F. Supp. 2d 1260, 1267 n.3 (S.D. Fla. 2010) (“Plaintiff must provide the Court with some showing establishing the need for jurisdictional discovery.”); 8 CHARLES ALAN WRIGHT, FEDERAL PRACTICE AND PROCEDURE § 2008.3 (3d ed. Apr. 2014) (“[A] district court

may properly refuse or limit jurisdictional discovery if the plaintiff has not made a sufficient showing that there may be a basis for exercise of jurisdiction”).

Here, Plaintiffs have failed to make a prima facie case for personal jurisdiction over any Defendant. To begin with, the Complaint contains no well-pleaded allegations about any one of Defendants that would support personal jurisdiction over any of them. Indeed, apart from brief allegations identifying Defendants, *see* Compl. ¶¶ 22–31, the Complaint contains no allegations about any Defendant suggesting that any is subject to personal jurisdiction in Florida. Although the Complaint does contain a paragraph on personal jurisdiction, *see* Compl. ¶ 33, the allegations in that paragraph—which lumps all Defendants together—contain “no more than conclusions” that “are not entitled to the assumption of truth.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Although—as the Court recently observed—“a plaintiff ‘initially need only allege sufficient facts to make out a prima facie case of jurisdiction,’” *Voyager Digital* Order at 2 (quoting *Posner v. Essex Ins. Co.*, 178 F.3d 1209, 1214 (11th Cir. 1999), Plaintiffs’ Complaint has failed even to do that. In short, the Court should not permit any jurisdictional discovery at all. *See Indus. Network, Inc. v. Hitti*, 2014 WL 324656, at *3 (S.D. Fla. Jan. 28, 2014) (“The purpose of jurisdictional discovery is to ascertain the truth of the allegations underlying the assertion of personal jurisdiction—it is not a vehicle for a fishing expedition in the hopes that discovery will sustain the exercise of jurisdiction.”).

If the Court does not permit any jurisdictional discovery, then the Court should require Defendants to file their motions to dismiss for lack of personal jurisdiction, to dismiss for improper service, and to dismiss for failure to state a claim and to join indispensable parties within 30 days, so that all Defendants respond at the same time. All other deadlines and merits discovery should be stayed until after the Court rules on these motions to dismiss.

If, on the other hand, the Court is inclined instead to permit limited jurisdictional discovery, then the Court should adopt a discovery and briefing schedule similar to the one set forth in the *Voyager Digital* Order. Specifically, Defendants propose the following schedule, which would conclude jurisdictional discovery within roughly two months’ time:

- Within 10 days after the Court enters an order, the parties must serve any written discovery (which may consist of requests for production, interrogatories, and requests for admission) on the opposing party⁴, which must be limited solely to personal jurisdiction.

⁴ For clarity, if jurisdictional discovery is permitted, Defendants seek to take discovery from

- Within 21 days after service of any written discovery, the parties must serve responses, any objections, and any non-objected-to discovery (together, “Responsive Discovery”). For any objections, the parties must promptly meet and confer and contact Judge Damian’s chambers to arrange a date for a hearing.
- Within 21 days after service of the Responsive Discovery, any desired depositions must take place. As with the written discovery, the scope of any deposition is limited solely to personal jurisdiction and is limited to 5 hours each.
- Within 7 days after completion of jurisdictional discovery, Defendants must file their motions to dismiss for lack of personal jurisdiction, for improper service, and for failure to state a cause of action and failure to join indispensable parties. Thereafter, response and reply memoranda are due within the timeframe permitted by the Local Rules.

Defendants acknowledge that this briefing schedule builds in more time than that in the *Voyager Digital* Order. But that additional time—about two months for jurisdictional discovery to be completed and for the motions to dismiss for lack of personal jurisdiction to be filed—is necessary because in *Voyager Digital*, there were only two defendants; here, there are ten defendants. Thus, discovery will take longer logistically, and additional time is warranted.

Regardless of whether the Court permits limited jurisdictional discovery, the Court should set aside or stay all other deadlines in its Scheduling Order. ECF No. 62 including merits discovery. “As a general rule, courts should address issues relating to personal jurisdiction before reaching the merits of a plaintiff’s claims.” *Rep. of Pan. v. BCCI Holdings (Lux.) S.A.*, 119 F.3d 935, 941 (11th Cir. 1997); *see also id.* (“A defendant that is not subject to the jurisdiction of the court cannot be bound by its rulings. Thus, as a preliminary matter, courts should determine if they have the power to bind a defendant with a ruling on the merits of the case.” (citation omitted)). For this reason, the Court stayed all its deadlines in the *Voyager Digital* Order, and it should do the same here. Only if any Defendant is not dismissed because of lack of personal jurisdiction or improper service should the Court permit merits discovery.

Service of Process

Four Defendants assert that that have not been properly served with process: Jeremy Lefebvre, Andrei Jikh, Kevin Paffrath, and Erika Kullberg. On May 18, 2023, these Defendants

Plaintiffs regarding personal jurisdiction as well. During meet-and-confer sessions with counsel for Defendant Paffrath, Plaintiffs’ counsel seem to indicate that they believed jurisdictional discovery should be provided only from Defendants to Plaintiff. Defendants disagree with this position and believe that jurisdictional discovery should be available to all parties.

conferred with Plaintiffs in an attempt to resolve the issues surrounding service. Defendants Lefebvre, Jikh, and Paffrath have agreed to accept service of process through an appropriate waiver, and it is their position that doing so would entitle them to 60 days to answer or otherwise respond to the Complaint. *See* FED. R. CIV. P. 4(d). Based on the conferral, Plaintiffs seemed inclined to permit these Defendants additional time to respond if Defendants accepted service of process. Plaintiffs, however, raised a concern that the Court would not want multiple or varying deadlines within which different Defendants would respond.

To address this concern, Defendants propose that, if no jurisdictional discovery is permitted, *all* Defendants be given 30 days to file a motion for lack of personal jurisdiction and to file a motion to dismiss based on Rule 12(b)(6) and/or Rule 12(b)(7) grounds (and Defendant Kullberg will file a motion to dismiss to challenge the sufficiency of service). Alternatively, if jurisdictional discovery is permitted, the motions to dismiss would be filed in accordance with the schedule proposed above (7 days after completion of jurisdictional discovery) and all Defendants would agree to participate in jurisdictional discovery in the interim period before the motions to dismiss would be due.

With regard to Defendant Paffrath, Plaintiffs claim to have served Mr. Paffrath by serving the summons complaint on the windshield of his wife's automobile, in Ventura, California on April 27, 2023. (*See* Affidavit of Jeffrey S. Larock, ECF No. 58). Paffrath's counsel has preliminarily reviewed whether this purported service of process complies with federal or California law and believes the service is defective. However, Paffrath's counsel has proposed to Plaintiffs' counsel it would accept Plaintiffs' Request for Waiver of Service of Process, pursuant to Federal Rule of Civil Procedure 4(d) in lieu of contesting service and would agree to the procedure proposed above.

Defendant Kullberg conferred with Plaintiffs' counsel via a zoom conference and via email in an effort to resolve the issues surrounding service. Specifically, Kullberg's service was not proper under New York law because she does not reside, and has never resided, at 40 Waterside Plz, Apt 11D, New York, NY, *see* ECF No. 25, nor at any location in New York. Furthermore, the return of service has inaccurate statements. Defendant Kullberg has requested that Plaintiffs withdraw their affidavit of return of service, and properly serve Defendant Kullberg. No agreement on the issues of service as it relates to Kullberg has been reached.

Respectfully submitted May 18, 2023.

<p><u>By: /s/ Adam M. Moskowitz</u> Adam M. Moskowitz Florida Bar No. 984280 Joseph M. Kaye Florida Bar No. 117520 THE MOSKOWITZ LAW FIRM, PLLC 3250 Mary Street, Suite 202 Coconut Grove, FL 33133 Telephone: (305) 740-1423 adam@moskowitz-law.com joseph@moskowitz-law.com</p> <p>Stuart Z. Grossman Florida Bar No. 156113 Manuel A. Arteaga-Gomez Florida Bar No. 18122 GROSSMAN ROTH YAFFA COHEN, P.A. 2525 Ponce de Leon Boulevard, Suite 1150 Coral Gables, FL 33134 Ph: 305-442-8666 szg@grossmanroth.com aag@grossmanroth.com</p> <p>Stephen Neal Zack Florida Bar No. 145215 Tyler Ulrich Florida Bar No. 94705 BOIES SCHILLER FLEXNER LLP 100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 szack@bsfllp.com tulrich@bsfllp.com</p> <p>Jose Ferrer Florida Bar No. 173746 MARK MIGDAL HAYDEN LLP Miami, FL 33130 Office: 305-374-0440 jose@markmigdal.com michelle@markmigdal.com eservice@markmigdal.com</p> <p><i>Co-Counsel for Plaintiffs and the Class</i></p>	<p><u>By: /s/ Brian W. Toth</u> Brian W. Toth Florida Bar No. 57708 btoth@tothfunes.com Ingraham Building Freddy Funes Florida Bar No. 87932 TOTH FUNES PA ffunes@tothfunes.com 25 Southeast Second Avenue, Suite 805 Miami, Florida 33131 (305) 717-7850</p> <p><i>Counsel for Defendant Tom Nash</i></p> <p><u>By: /s/ Jose G. Sepulveda</u> Jose Guillermo Sepulveda jsepulveda@stearnsweaver.com STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON Museum Tower 150 W Flagler Street, Suite 2200 Miami, Florida 33130 (305) 789-3200</p> <p>Derek Adams dadams@potomacclaw.com POTOMAC LAW GROUP, PLLC 1300 Pennsylvania Avenue, NW, Suite 700 Washington, DC 20004 (202) 743-1511</p> <p><i>Counsel for Defendants Brian Jung, Erika Kullberg, and Creators Agency LLC</i></p> <p>David E Ghannam david@ghannam.law DAVID E GHANNAM, P.C. 17436 College Parkway Ste 3rd Floor Livonia, Michigan 48152 (313) 945-0088</p> <p><i>Counsel for Defendant Jaspreet Singh</i></p>
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	<p>By: <u>/s/Joseph M. Mysorewala</u> Josef M Mysorewala josefm@lawjmm.com LAW OFFICE OF JOSEF M MYSOREWALA, PLLC 2000 S. Dixie Highway, Suite 112 Miami, Florida 33133 (305) 356-1031</p> <p>Kimberly P. Stein kps@fdllawlv.com FLANGAS LAW GROUP, INC. 3275 South Jones Blvd., Suite 105 Las Vegas, Nevada 89146 (702) 307-9500</p> <p><i>Counsel for Defendants Graham Stephan, Adrei Jikh, and Jeremy Lefebvre</i></p> <p>By: <u>/s/Darren Adam Heitner</u> Darren Adam Heitner darren@heitnerlegal.com HEITNER LEGAL, P.L.L.C. 215 Hendricks Isle Fort Lauderdale, Florida 33301 (954) 558-6999</p> <p><i>Counsel for Ben Armstrong</i></p> <p>By: <u>/s/Adam J. Lamb</u> JOSEPH A. DEMARIA, B.C.S. Florida Bar No. 764711 JDeMaria@FoxRothschild.com ADAM J. LAMB Florida Bar No. 899046 alamb@FoxRothschild.com FOX ROTHSCHILD LLP One Biscayne Tower, Suite 2750 2 South Biscayne Blvd. Miami, Florida 33131 Telephone: 305.442.6547 Facsimile: 305.442.6541</p> <p><i>Attorney for Defendant Kevin Paffrath</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on May 18, 2023, with the Court via the CM/ECF system, which will send notification of such filing to all attorneys and/or parties of record.

By: s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

Composite Exhibit A

Rejane Passos

From: Joseph Kaye
Sent: Friday, March 31, 2023 12:29 AM
To: andrei@majikh.com
Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Andrei Jikh
Attachments: 2023.03.31 - ANDRE JIKH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF; 2023.03.31 - ANDRE JIKH - Garrison v. Paffrath - Waiver Request.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good evening, Mr. Jikh,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.
Partner
The Moskowitz Law Firm, PLLC
P.O. Box 141609
Coral Gables, FL 33114
For Hand Deliveries Use:
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Rejane Passos

From: Joseph Kaye
Sent: Friday, March 31, 2023 12:29 AM
To: team@jungmedia.io
Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Brian Jung
Attachments: 2023.03.31 - BRIAN JUNG - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF; 2023.03.31 - BRIAN JUNG - Garrison v. Paffrath - Waiver Request.pdf
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Good evening, Mr. Jung,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

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Sent: Friday, March 31, 2023 12:30 AM
To: grahamstephanbusiness@gmail.com; graham.stephan@gmail.com; graham.stephan1@gmail.com; graham_stephan@yahoo.com; grahamthebeast@yahoo.com; gstephan@youtube.com; grahamstephan@youtube.com
Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
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Good evening, Mr. Stephan,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

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Rejane Passos

From: Joseph Kaye
Sent: Friday, March 31, 2023 12:30 AM
To: team@theminoritymindset.com; jsingh@theminoritymindset.com; jasingh21@gmail.com
Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Jaspreet Singh
Attachments: 2023.03.31 - JASPREET SINGH - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - JASPREET SINGH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF

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Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Jeremy Lefebvre
Attachments: 2023.03.31 - JEREMY LEFEBVRE - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - JEREMY LEFEBVRE - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening, Mr. Lefebvre,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.
Partner
The Moskowitz Law Firm, PLLC
P.O. Box 141609
Coral Gables, FL 33114
For Hand Deliveries Use:
251 Valencia Ave #141609
Coral Gables, FL 33114
Office: (305) 740-1423
Direct: [\(786\) 309-9585](tel:7863099585)

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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards involve a detailed and careful analysis of the facts and applicable law which we expect would be time

Rejane Passos

From: Joseph Kaye
Sent: Friday, March 31, 2023 12:29 AM
To: staff@meetkevin.com; kevin@meetkevin.com; kevinpaffrath@gmail.com
Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Kevin Paffrath
Attachments: 2023.03.31 - KEVIN PAFFRATH - Garrison v. Paffrath - Waiver Request.pdf; 2023.03.31 - KEVIN PAFFRATH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening, Mr. Paffrath,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.
Partner
The Moskowitz Law Firm, PLLC
P.O. Box 141609
Coral Gables, FL 33114
For Hand Deliveries Use:
251 Valencia Ave #141609
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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards involve a detailed and careful analysis of the facts and applicable law which we expect would be time

Rejane Passos

From: Joseph Kaye
Sent: Friday, March 31, 2023 12:29 AM
To: tomnashyt@gmail.com
Cc: Adam Moskowitz; Rejane Passos; dboies@bsfllp.com; aboies@bsfllp.com; Jose Ferrer; Michelle Genet Bernstein; Stuart Grossman; Alex Arteaga-Gomez; Stephen N. Zack
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Tom Nash
Attachments: 2023.03.31 - TOM NASH - Garrison v. Paffrath - Waiver Return.pdf; Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF; 2023.03.31 - TOM NASH - Garrison v. Paffrath - Waiver Request.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good evening, Mr. Nash,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

For Hand Deliveries Use:

251 Valencia Ave #141609

Coral Gables, FL 33114

Office: (305) 740-1423

Direct: (786) 309-9585

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CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards involve a detailed and careful analysis of the facts and applicable law which we expect would be time consuming and costly. We have not made and have not been asked to make that type of analysis in connection

From: [Joseph Kaye](#)
To: erika@creatorsagency.co; erika@erikakullberg.com
Cc: [Adam Moskowitz](#); [Rejane Passos](#); dboies@bsflp.com; aboies@bsflp.com; [Jose Ferrer](#); [Michelle Genet Bernstein](#); [Stuart Grossman](#); [Alex Arteaga-Gomez](#); [Stephen N. Zack](#)
Subject: Re: Garrison, et al. v. Paffrath, et al. - No. 1:23-cv-21023-CMA - Request for Waiver of Service - Erika Kullberg
Date: Friday, March 31, 2023 12:29:54 AM
Attachments: [2023.03.31 - ERIKA KULLBERG - Garrison v. Paffrath - Waiver Request.pdf](#)
[2023.03.31 - ERIKA KULLBERG - Garrison v. Paffrath - Waiver Return.pdf](#)
[Garrison v. Paffrath - 23-cv-21023 - D.E. 1 - Complaint.PDF](#)

Good evening, Ms. Kullberg,

We represent Plaintiffs and the putative classes in the above-reference action. A copy of the operative complaint is attached. I am reaching out to you with a Notice of Commencement of Action and Request for Waiver of Service (both forms attached). Please sign, date, and return the waiver so we may proceed with the litigation. Thank you.

Best,

Joseph M. Kaye, P.A.

Partner

The Moskowitz Law Firm, PLLC

P.O. Box 141609

Coral Gables, FL 33114

For Hand Deliveries Use:

251 Valencia Ave #141609

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Note: The information in this email is confidential and intended to be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information contained herein; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any viruses or other defects that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus-free and no responsibility is accepted by The Moskowitz Law Firm or the sender of this email for any loss or damage arising in any way from its use.

CIRCULAR 230 DISCLAIMER: The IRS now requires written advice (including electronic communications) regarding one or more Federal (i.e., United States) tax issues to meet certain standards. Those standards involve a detailed and careful analysis of the facts and applicable law which we expect would be time consuming and costly. We have not made and have not been asked to make that type of analysis in connection with any advice given

Composite Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT BEN ARMSTRONG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Ben Armstrong
DATE: June 19, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
GROSSMAN ROTH YAFFA COHEN, P.A.
2525 Ponce de Leon Boulevard, Suite 1150
Coral Gables, FL 33134
Ph: 305-442-8666
Fx: 305-285-1668
szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
BOIES SCHILLER FLEXNER LLP
100 SE 2nd St., Suite 2800
Miami, FL 33131
Office: 305-539-8400
szack@bsflp.com
tulrich@bsflp.com

By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8th Street, Suite 1999

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130
Office: 305-374-0440
jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT BEN ARMSTRONG**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Ben Armstrong
("Armstrong"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666

Fx: 305-285-1668

szg@grossmanroth.com

aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

BOIES SCHILLER FLEXNER LLP

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

tulrich@bsfllp.com

By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

8 SW 8th Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Armstrong,” “You,” or “Your” means Defendant Ben Armstrong and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT KEVIN PAFFRATH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Kevin Paffrath
DATE: June 20, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
GROSSMAN ROTH YAFFA COHEN, P.A.
2525 Ponce de Leon Boulevard, Suite 1150
Coral Gables, FL 33134
Ph: 305-442-8666
Fx: 305-285-1668
szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
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Miami, FL 33131
Office: 305-539-8400
szack@bsflp.com
tulrich@bsflp.com

By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8th Street, Suite 1999

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130
Office: 305-374-0440
jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT KEVIN PAFFRATH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Kevin Paffrath
("Paffrath"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

GROSSMAN ROTH YAFFA COHEN, P.A.

2525 Ponce de Leon Boulevard, Suite 1150

Coral Gables, FL 33134

Ph: 305-442-8666

Fx: 305-285-1668

szg@grossmanroth.com

aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

BOIES SCHILLER FLEXNER LLP

100 SE 2nd St., Suite 2800

Miami, FL 33131

Office: 305-539-8400

szack@bsfllp.com

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By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Paffrath,” “You,” or “Your” means Defendant Kevin Paffrath and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT ANDREI JIKH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Andre Jikh
DATE: June 21, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
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By: /s/ Stephen Neal Zack

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By: /s/ Jose Ferrer

Jose Ferrer
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Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

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Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT ANDREI JIKH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Andrei Jikh
("Jikh"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

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Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

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By: /s/ Stephen Neal Zack

Stephen Neal Zack

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Tyler Ulrich

Florida Bar No. 94705

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Miami, FL 33131

Office: 305-539-8400

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tulrich@bsfllp.com

By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Jikh,” “You,” or “Your” means Defendant Andrei Jikh and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

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addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT GRAHAM STEPHAN

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Graham Stephan
DATE: June 22, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com

Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122

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By: /s/ Stephen Neal Zack

Stephen Neal Zack
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tulrich@bsflp.com

By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8th Street, Suite 1999

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

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Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT GRAHAM STEPHAN**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Graham Stephan
("Stephan"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

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Joseph M. Kaye

Florida Bar No. 117520

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Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122
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Fx: 305-285-1668
szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack
Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
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Office: 305-539-8400
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tulrich@bsflp.com

By: /s/ Jose Ferrer
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Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
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michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Stephan,” “You,” or “Your” means Defendant Graham Stephan and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT JASPREET SINGH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Jaspreet Singh
DATE: June 23, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
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aag@grossmanroth.com

By: /s/ Stephen Neal Zack

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By: /s/ Jose Ferrer

Jose Ferrer
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Michelle Genet Bernstein
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Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

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Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT JASPREET SINGH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jaspreet Singh
("Singh"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

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Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

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aag@grossmanroth.com

By: /s/ Stephen Neal Zack
Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
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tulrich@bsflp.com

By: /s/ Jose Ferrer
Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
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Office: 305-374-0440
jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Singh,” “You,” or “Your” means Defendant Jaspreet Singh and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT BRIAN JUNG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Brian Jung
DATE: June 26, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
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aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
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tulrich@bsflp.com

By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8th Street, Suite 1999

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130
Office: 305-374-0440
jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT BRIAN JUNG**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Brian Jung
("Jung"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

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THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

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Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122
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szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack
Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
BOIES SCHILLER FLEXNER LLP
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Miami, FL 33131
Office: 305-539-8400
szack@bsflp.com
tulrich@bsflp.com

By: /s/ Jose Ferrer
Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
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jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Jung,” “You,” or “Your” means Defendant Brian Jung and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT JEREMY LEFEBVRE

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Jeremy LeFebvre
DATE: June 27, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
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Ph: 305-442-8666
Fx: 305-285-1668
szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
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Miami, FL 33131
Office: 305-539-8400
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By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
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Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

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eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT JEREMY LEFEBVRE**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jeremy
LeFebvre ("LeFebvre"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

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THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

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By: /s/ Stephen Neal Zack

Stephen Neal Zack

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Tyler Ulrich

Florida Bar No. 94705

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tulrich@bsfllp.com

By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

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Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “LeFebvre,” “You,” or “Your” means Defendant Jeremy LeFebvre and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT TOM NASH

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Tom Nash
DATE: June 28, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
GROSSMAN ROTH YAFFA COHEN, P.A.
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Ph: 305-442-8666
Fx: 305-285-1668
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aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
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Miami, FL 33131
Office: 305-539-8400
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tulrich@bsflp.com

By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
8 SW 8th Street, Suite 1999

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130
Office: 305-374-0440
jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT TOM NASH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Tom Nash
("Nash"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

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Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122

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2525 Ponce de Leon Boulevard, Suite 1150

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Ph: 305-442-8666

Fx: 305-285-1668

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aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack

Florida Bar No. 145215

Tyler Ulrich

Florida Bar No. 94705

BOIES SCHILLER FLEXNER LLP

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Office: 305-539-8400

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tulrich@bsfllp.com

By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

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michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Nash,” “You,” or “Your” means Defendant Tom Nash and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF
DEFENDANT ERIKA KULLBERG

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Erika Kullberg
DATE: June 29, 2023
TIME: 10:00am EST
LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
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szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
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BOIES SCHILLER FLEXNER LLP
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Miami, FL 33131
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By: /s/ Jose Ferrer

Jose Ferrer
Florida Bar No. 173746
Michelle Genet Bernstein
Florida Bar No. 1030736
MARK MIGDAL HAYDEN LLP
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Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130
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jose@markmigdal.com
michelle@markmigdal.com
eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT ERIKA KULLBERG**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Erika Kullberg
("Kullberg"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman

Florida Bar No. 156113

Manuel A. Arteaga-Gomez

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

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By: /s/ Stephen Neal Zack

Stephen Neal Zack

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By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

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Miami, FL 33130

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jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Kullberg,” “You,” or “Your” means Defendant Erika Kullberg and any of her affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;
 - d. the name of each person who ordered, authorized, and carried out

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT
CREATORS AGENCY, LLC'S RULE 30(b)(6) REPRESENTATIVE(S)**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

DEPONENT: Defendant Creators Agency, LLC, (the "Creators"), by and through Creators' corporate representative(s) with knowledge of the eight topics listed in **Exhibit A**, pursuant to Federal Rule of Civil Procedure 30(b)(6).

DATE: June 30, 2023

TIME: 10:00am EST

LOCATION: Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Creators Agency, LLC (the “Creators”) shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz
Florida Bar No. 984280
adam@moskowitz-law.com
Joseph M. Kaye
Florida Bar No. 117520
joseph@moskowitz-law.com
THE MOSKOWITZ LAW FIRM, PLLC
2 Alhambra Plaza, Suite 601
Coral Gables, FL 33134
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman
Florida Bar No. 156113
Manuel A. Arteaga-Gomez
Florida Bar No. 18122
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Ph: 305-442-8666
Fx: 305-285-1668
szg@grossmanroth.com
aag@grossmanroth.com

By: /s/ Stephen Neal Zack

Stephen Neal Zack
Florida Bar No. 145215
Tyler Ulrich
Florida Bar No. 94705
BOIES SCHILLER FLEXNER LLP
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Miami, FL 33131
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tulrich@bsfllp.com

Edwin Garrison, et al. v. Kevin Paffrath, et al.
CASE NO. 23-21023-CIV-ALTONAGA/Damian

By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

MARK MIGDAL HAYDEN LLP

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Miami, FL 33130

Office: 305-374-0440

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michelle@markmigdal.com

eservice@markmigdal.com

Co-Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

EXHIBIT A

I. DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “CA,” “You,” or “Your” means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets,

magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

9. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

II. EIGHT DEPOSITION SUBJECTS

Pursuant to Rule 30(b)(6), CA shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

1. All Documents and responses provided in response to Plaintiffs' request for production, dated and served on May 18, 2023.

2. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

3. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

4. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

5. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

6. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

7. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

8. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

EDWIN GARRISON, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KEVIN PAFFRATH, GRAHAM STEPHAN,
ANDREI JIKH, JASPREET SINGH, BRIAN
JUNG, JEREMY LEFEBVRE, TOM NASH,
BEN ARMSTRONG, ERIKA KULLBERG,
CREATORS AGENCY, LLC,

Defendants.

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO
DEFENDANT CREATORS AGENCY LLC**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Creators Agency
LLC ("CA"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

Florida Bar No. 984280

adam@moskowitz-law.com

Joseph M. Kaye

Florida Bar No. 117520

joseph@moskowitz-law.com

THE MOSKOWITZ LAW FIRM, PLLC

2 Alhambra Plaza, Suite 601

Coral Gables, FL 33134

Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

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CASE NO. 23-21023-CIV-ALTONAGA/Damian

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was
sent via electronic mail to counsel for Defendants.

By: /s/ Adam M. Moskowitz
ADAM M. MOSKOWITZ

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “CA,” “You,” or “Your” means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

INSTRUCTIONS

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries

at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
 - a. the reasons and facts supporting any withholding;
 - b. the date such document was prepared;
 - c. the names, employment positions and addresses of the author or preparers of such document;
 - d. the names, employment positions, and the addresses of each person who received such document;
 - e. the title and a brief description of the document; and
 - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
 - a. the contents of the lost or destroyed document;
 - b. all locations in which any copy of the lost or destroyed document had been maintained;
 - c. the date of such loss or destruction;

- d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
 - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
 - f. all efforts made to locate any responsive document alleged to have been lost.
- 5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
- 6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
- 7. All documents are to be produced in the following method:
 - a) Single page .TIFF
 - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
 - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
 - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

SEVEN REQUESTS FOR PRODUCTION

Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.

2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.¹

3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

¹ Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at *4 (S.D. Fla. Sept. 29, 2017).

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.